GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Social Welfare Department – Appeal petition filed by Kum. G. Chinmayi, D/o G.Lokendranath, being minor, rep. by her natural father Sri G. Lokendranath, S/o late G.Jammanna, Kurnool District- against the proceedings No.Rc.C6/413/M/14, dated 06.12.2014 of the District Collector, Kurnool- under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition dismissed – Orders -Issued.

SOCIAL WELFARE (CV.1) DEPARTMENT

G.O.MS.No. 51 **Dated: 02-05-2018**
Read the following:

1. Proceedings of the District Collector, Kurnool, Rc.C6/413/M/14, dated 06.12.2014.
2. Order of the Hon'ble High Court of A.P., Hyderabad in WP No. 6310 of 2015 filed by Kum G. Chinmayi, on 13.3.2015.
3. Govt. Memo No. 6580/CV.1/2014, dated 29.04.2015.
4. Govt. letter No. 6580/CV.1/2014, dated 29.04.2015.
5. Letter received from Mr. Sudarshan Reddy D, Advocate dated 02.06.2015, along with Appeal Petition filed by Kum. G. Chinmayi, D/o G.Lokendranath, being minor, rep. by her natural father Sri G. Lokendranath, S/o late G.Jammanna, before M(SWE&TWE) dated 07.01.2015.
6. Govt. Memo No. 6580/CV.1/2014, dated 16.06.2015.
7. From the District Collector, Kurnool, Lr. Rc.No.C6/416/M/2014, dated 27.06.2015 & 01.07.2015.
8. Govt. Memo No.6580/CV.1/2015, dated 19.10.2015, 17.11.2015 & 09.06.2017.
9. Affidavit received from Kum. G. Chinmayi, D/o G.Lokendranath, being minor, rep. by her natural father Sri G. Lokendranath, S/o late G.Jammanna, dated 20.06.2017.
10. CC No.1402/2015 in WP No.6310/2015 filed by Kum. G. Chinmayi, D/o G.Lokendranath, being minor, rep. by her natural father Sri G. Lokendranath, S/o late G.Jammanna.
11. Govt. Memo No.6580/CV.1/2015, dated 11.07.2017.
12. Written arguments filed by the appellant through her counsel, before the Apellate Authority on 05.08.17.

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ORDER:

In the reference 1st read above, the District Collector, Kurnool has issued orders rejecting the issuance of SC-Bariki caste certificate to Kum. G.Chinmayi D/o G. Lokendranath.

2. In the reference 2nd read above, Kum. G. Chinmayi, D/o G.Lokendranath, being minor, rep. by her natural father Sri G. Lokendranath, S/o late G.Jammanna has filed W.P. No.6310 of 2015 before the Hon'ble High Court of A.P., Hyderabad against the Government for not taking-up of the appeal dated 07.01.2015 filed by the petitioner and the proceedings of the District Collector, Kurnool dated 06.12.2014. The Hon'ble High Court of A.P., Hyderabad while disposing the said WP on 13.03.2015 has directed the Government to dispose of the appeal of the petitioner within a period of four weeks from date of receipt of the order, considering the fact that the petitioner is a student, aged 17 years and she needs the certificate to prosecute her education . But, due to several administrative difficulties the matter could not be disposed off within the time limit as directed by the Hon'ble High Court in the said W.P., However, after giving notices from time to time to the Appellant through his Counsel the matter has been examined by the Appellate Authority.

3. In the reference 3rd read above, based on the above said directions of the Hon'ble High Court, the District Collector, Kurnool was requested to obtain the appeal petition

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from the applicant and furnish the parawise remarks on the grounds filed by the appellant along with the connected records to the Government for taking further action on the appeal petition to avoid further legal complications in the matter , simultaneously, in the reference 4th read above, Sri G. Lokendranath, F/o Kum. G. Chinmayi was informed that the appeal petition, stated to be filed by him before the Government on 07.01.2015, has not been received by the Government. He was also requested to send the said appeal petition immediately to the Government for taking further necessary action in the matter as per the orders of the Hon'ble High Court.

4. In the reference 5th read above, Mr. Sudarshan Reddy D, Advocate has submitted the appeal papers with filing endorsement, for taking action to dispose of the appeal as per the directions of the Hon'ble High Court of Andhra Pradesh, Hyderabad.

5. In the reference 6th read above, while furnishing the copy of the appeal petition of Kum. Chinmayi, the District Collector, Kurnool was requested to furnish the parawise remarks on the grounds filed by the appellant together with the connected records to the Government to finalize the case as per the directions of the Hon'ble High Court of A.P.,

6. In the reference 7th read above, the District Collector, Kurnool has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Kum. G. Chinmayi, D/o G.Lokendranath.

7. The said Appeal Petition has been posted for hearing on 31.10.2015, 28.11.2015 & 17.06.2017 and the same has been informed to the Appellant and the Counsel for the Appellant in the reference 8th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. The Appellate Authority on the said date on the file has stated that, the appellant/ the Counsel for the appellant / father of the appellant were not attending the hearing scheduled on 17.06.2017, the case is reserved for judgment. In the meanwhile, in the reference 9th read above, the father of the appellant has requested to reopen the case in Appeal/ (Memo) No.6582/CV.1/2015 by setting aside the docket orders dt: 17.06.2017, and to give opportunity of hearing in the appeal and pass such order or further orders in the interest of justice.

8. In the reference 10th read above, the Hon'ble High Court of A.P., Hyderabad while disposing the CC No.1402/2015 in WP No.6310/2015 filed by Kum. G. Chinmayi, D/o G.Lokendranath, being minor, rep. by her natural father Sri G. Lokendranath, S/o late G.Jammanna on 28.07.2017 has ordered that the appeal posted for hearing on 05.08.2017.

9. After examining the request of the Kum. G. Chinmayi, D/o G.Lokendranath, the said appeal petition was posted for hearing on 05.08.2017 and the same has been informed to the Appellant and the Counsel for the Appellant in the reference 11th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. The appellant/ advocate for the appellant attended for the hearing on 05.08.2017 and argued her case, and filed written arguments in the reference 12th read above.

10. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant / the parawise remarks submitted by the District Collector, Kurnool and proceedings of the District Collector, Kurnool dated 06.12.2014 the Appellate Authority observed that :

I. The appellant in her grounds has stated that her ancestors including her father and father's sisters and other relatives of her family enjoyed social status of SC-Bariki caste and they have Scheduled Caste Certificates (Bariki), which are issued by the competent authority . The District Collector ought to have considered the documents including the Bariki (SC) certificates of the appellant's father and her grandfather, as well as

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the near relatives along with the service records, for issuance of caste certificate and the report submitted by the sub-committee is not proper and valid.

II. The District Level Scrutiny Committee has observed that the Hon'ble High Court of A.P Hyderabad, in W.P.MP.No.12695/1994 and WPMP.No.2028/94 dt:19.07.95, has directed the District Collector, Kurnool to complete the enquiry as per the Government Memo No.578/J1/84, dt:28.08.85 cited, without referring to untouchability clause and issue certificates if they are otherwise eligible. Accordingly, the District Collector, Kurnool constituted Committee of Officers headed by the District Revenue Officer, Kurnool, to conduct detailed enquiry as per Hon'ble High Court directions. During the enquiry, the team observed that the villagers expressed before them that, BARIKI people called as 'BARIKOLLU' in plural, in such a way the term BARIKI transformed into "BARIKI" in singular from. However, this type of analogy cannot be accepted. In General, the 'BARIKA' caste is not in existence, but it is termed as 'BARIKA' in the Revenue Settlement registers against Inam Lands which were awarded to the families, who rendered menial services in the villages which is termed as 'BARIKA'. This service to village is called 'BARIKI' in Kannada language as such it is called as 'BARIKA INAM'. By mere granting of land for service cannot be taken into account as a Caste. Hence BARIKA caste is not in existence and the terminology of 'BARIKA' converted as "BARIKI" cannot be accepted. The menial services were rendered by Backward class community people ie., Bestha, Gangapurthra, Gowrimakkalu, Maddi, Sunnapolu, who are in the villages. BARIKA INAMS are granted to the persons of the above castes, those who render the menial services in the villages. Hence, the entire caste people cannot be allowed to enjoy the particular Inam Land. But the present claim for issue of caste certificates, based on the above on single Inam is not justifiable. The applicants and their relatives in question are having exogamous clans, some of which found among other occupational groups of Telugollu caste such as Bestha; Maddi; Sunapollu and Mudiraju, Viz., Boggula, Pala, Pothraju, Kashaboyalu, Pittavandlu, Meka, Kasthuri, Gantela, Kanchimoyu etc., It is also observed that so called BARIKIS are having marital relations with families of Maddi, Telugu, Sunnapollu and Beshta. It is member families pursuing different occupations like agriculture, lime manufacture, village menial functionaries, dyers of cotton clothes and fishing are respectively called, Mudiraju, Sunnapollu Maddi, and Bestha. It is also revealed during enquiry, that elders of some applicants were engaged in fishing, dying clothes and agriculture. This reveals that these applicants are nothing but a group of Telugollu caste. It is also revealed during the enquiry, the elders of the present applicants are educated and also employed in Banks and other business establishments since long time. Further, the Sub-Committee of the DLSC has enquired into the Genealogy Tree of Sri G.Lokanath , it is found that the applicant's first sister Smt G.Kanchanalatha was married with Sri Saranganath who belong to Bestha Caste. His second brother Sri G.Madhav Murthy married with Smt.Gayathri who is the sister of Saranganath belongs to Bestha Caste. His last sister Smt G.Manjulavani was married with Sri Ramasanjanna belong to Bestha Caste and now working as Deputy Executive Engineer, Irrigation, Quality Control Unit, Division No.5, Nandyal. He further deposed that he has not having relationship from his mother side and fathers side. The Bariki Caste was earlier issued prior to 1994 as S.C., the Bariki or Barika was not a Caste. Bariki has been referred as Kannari Kabberas who are Village servants, who keep the village choultry clean, and perform various other duties. In certain villages of Andhra Pradesh bordering Karnataka State some people were given Bariki inams in recognisation of their rendering menial services to the officials visiting the village and in course, they came to be known as Barikas. The Subcommittee of the DLSC finally submitted that the applicant and their

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parents and brothers and sisters are not done the traditional occupation i.e., cleaning of choultry etc., and perform the duties of village servants, and they are not facing any stigma of untouchability to claim as SCs and all are working in Governmental Orgainsations etc., and finally submitted that the claim of Kum.G.Chinmayi D/o G.Lokendranath for issue of BARIKI SC Certificate is not genuine one. Based on the findings of the DLSC, the District Collector has cancelled the appellant's caste certificate.

III. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

IV. The Appellate Authority has observed that during the course of hearing of the case that the appellant submitted her arguments as per her grounds in appeal petition and stated that the lower authority failed to observe that her father, and Grandfather are Government Employees and their service registers reveal that they belong to SC Barki Community as such she also belongs to Bariki community which was identified as Scheduled Caste. On verification of the documents and the grounds of appeal and para wise remarks as well as the other documents and material available on the record it is noticed that except the above contention nothing was placed for appreciation of the case of the appellant and she failed to produce any evidence that she belongs to Bariki Community. The Record reveals that the District Collector made in-depth enquiry into the matter through different sources including DLSC and finally held that the appellant does not belong to SC Bariki Community. It is further brought to the notice that the certificate earlier issued to the individual was in a routine manner and the same was cancelled after conducting detailed and through enquiry into the caste status of the individual. That as per the act that the burden of proof lies on the appellant and it is the responsibility of the appellant to produce necessary evidence and documents to claim the same. In the instant case that the appellant except relying the evidence and documents filed before the lower authority passed the order after reasonably appreciating the evidence available on record as per law which deserves no interference. Hence it is apparent that he appeal is devoid of any merits and there is no infirmity either in the findings of the DLSC or the learned District Collector, Kurnool District.

11. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the appeal petition filed by Kum. G. Chinmayi, D/o G.Lokendranath does not deserve any interference. Hence, Proceedings of the District Collector, Kurnool issued vide Rc.C6/413/M/14, dated 06.12.2014, is hereby upheld and the Appeal Petition filed by Kum. G. Chinmayi, D/o G.Lokendranath, is hereby dismissed and the request for issuance of SC-Bariki caste certificate is deemed to be rejected.

12. The District Collector, Kurnool is directed to take necessary consequential action in the matter.

13. The records (containing Rc.C6/413/M/14, dated 11.07.2012, pages: CF: 1-888 & NF: 1-78) received from the District Collector, Kurnool through in the reference 6th read above, are returned herewith in original to the District Collector, Kurnool and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S. RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, Kurnool .(BY RPAD)
(with original records).

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Sri G. Lokendranath,
F/o Kum G. Chinmayi, Occ: Student
R/o. D.No. 65/54(Old D.no. 52/24),
Fort, Kurnool,
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(or)
Asst. Professor, Sri Santhiram Medical College,
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Copy to:

The P.S. to M(SWE&TWE)
The P.S. to Principal Secretary(SW&TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER